

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:21-CR-139-O

SETH AARON PENDLEY (01)

FACTUAL RESUME

INFORMATION/INDICTMENT: Malicious Attempt to Destroy with an Explosive a Building Used in Interstate Commerce, in violation of 18 U.S.C. § 844(i).

MAXIMUM PENALTY:

- Imprisonment for a period not less than 5 years and not more than 20 years;
- A fine not to exceed \$250,000 or both a fine and imprisonment;
- A supervised-release term of a maximum of 3 years. If the defendant violates any condition of supervised release, the Court may revoke such release term and require that the defendant serve any or all of such term as an additional period of confinement;
- A \$100 mandatory special assessment;
- Forfeiture of firearms and ammunition; and
- Restitution to any victims.

ELEMENTS OF THE OFFENSE:

The essential elements which must be proved beyond a reasonable doubt in order to establish the offense charged in the Information/Indictment are as follows:

18 U.S.C. § 844(i)

First: That the defendant maliciously attempted to damage or destroy an Amazon Web Services data center on Smith Switch Road in Ashburn, Virginia;

Second: That the defendant attempted to do so by means of an explosive; and

Third: That at the time of the defendant's attempted use of an explosion, the Amazon Web Services data center was used in interstate or foreign commerce or was used in an activity affecting interstate or foreign commerce.

Attempt

First: That the defendant intended to maliciously destroy with an explosive a building used in interstate commerce, in violation of 18 U.S.C. § 844(i); and

Second: That the defendant did an act that constitutes a substantial step towards the commission of that crime and that strongly corroborates the defendant's criminal intent and amounts to more than mere preparation.

STIPULATED FACTS:

Between in or around January 2021, and continuing until April 8, 2021, in the Northern District of Texas, the defendant, **Seth Aaron Pendley**, maliciously attempted to damage and destroy, by means of fire and explosive materials, an Amazon Web Services data center on Smith Switch Road in Ashburn, Virginia, used in interstate and foreign commerce and in activities affecting interstate and foreign commerce.

In late January 2021, **Pendley** began communicating with a Confidential Human Source (hereinafter CHS1) and others via the Signal app. **Pendley** discussed a plan to attack Amazon Web Services (AWS) data centers, using explosives. On February 19, 2021, **Pendley** said in a text to CHS1 the following: "The AWS data places are almost all centrally located. They are f***ing MASSIVE. I haven't got al [sic] the details worked out but that's where I have risky questions for you that I didn't want to ask until now."

Amazon is a multi-national corporation headquartered in Seattle, Washington. AWS data centers are located in various parts of the United States, where computer servers situated in large buildings assist Amazon in providing cloud-based computer services. Customers throughout the United States and internationally use AWS services to engage in commercial activity in and affecting interstate and foreign commerce.

On February 19, 2021, **Pendley** showed CHS1 a handwritten list of addresses for AWS data centers, most of which were located in Virginia. On February 19, 2021, **Pendley** sent the following text to CHS1: "Oh yeah if I had cancer or something I would just drive a bomb into these servers lol." **Pendley** told CHS1 that **Pendley** hoped a successful attack could "kill off about 70% of the internet."

On February 19, 2021, CHS1 asked if Pendley had chosen a specific AWS data center for attack. **Pendley** replied, "Which place first? That's still to be decided." CHS1 said he/she could obtain C4 explosives for **Pendley** to use in the attack, and **Pendley** responded, "F*** yeah. And I'm not telling anyone anything. Even if I gotta wheel a wheelbarrow in that bi***. I'm sure we can get it done." On February 22, 2021, **Pendley** said he had ordered a topographical map of Virginia, and that he had planned a method of attack against an AWS data center. On February 27, 2021, **Pendley** displayed a hand-made map of the AWS data center on Smith Switch Road, featuring proposed routes of ingress and egress at the facility.

CHS1 and **Pendley** agreed to meet on March 31, 2021, in Fort Worth, Texas. At the meeting, **Pendley** would be introduced to an individual whom **Pendley** believed was CHS1's source of supply for explosives, but who in actuality would be an FBI Undercover Employee (UCE).

On March 29, 2021, in a Signal chat, **Pendley** told CHS1 that **Pendley** wanted to paint his silver Pontiac black. **Pendley** explained he would drive the Pontiac to Virginia for the planned attack, switch license plates, and then later paint the car silver again. **Pendley** believed this would confuse law enforcement, who would be looking for attackers in a black car, following the AWS data center attack. Subsequently, **Pendley** the color of his vehicle to black using a substance called Plasti Dip.

On March 31, 2021, **Pendley** arrived at a predetermined location in Fort Worth, Texas, driving the now-black Pontiac. **Pendley** met with CHS1 and the UCE. The meeting was electronically recorded, and Affiant has reviewed a recording of the conversation that took place during the meeting. During the meeting, **Pendley** explained that he had painted his car in order to disguise it for use in his planned attack against Amazon in Virginia and described using Plasti Dip which could easily be peeled off the car after the attack. **Pendley** described Amazon servers in Northern Virginia, which provided services to the federal government. **Pendley** described three Amazon buildings in close proximity to each other, each of which, according to **Pendley**, contained computer servers used by the FBI, Central Intelligence Agency (CIA), and other federal agencies.

Pendley further described his motive for the attack in words to the effect:

The main objective is to f*** up the Amazon servers. There's 24 buildings that all this data runs through in America. Three of them are right next to each other, and those 24 run 70 percent of the Internet. And the government, especially the higher ups, CIA, FBI, special sh**, they have like an 8 billion dollar a year contract with Amazon to run through their servers. So we f*** those servers, and it's gonna piss all the oligarchy off.

Later in the conversation, **Pendley** described how he believed the government will over-react to the attack, and how people would be awakened to how unjust the government is, in words to the effect:

It just depends on how they react. This is like a hit 'em, hopefully they react the way I would like them to react. Hopefully, they let the world know in a weird way by acting too fast that they are a f***in' dictatorship, and then hope like hell some of the people that are on the fence jump off the fence.

During the meeting, **Pendley** said he would use explosives provided by the UCE to destroy these computer servers, and interrupt service to as much as 70 percent of the nation's Internet service. **Pendley** also stated that he intended to fabricate boxes which could be used to direct the force of the explosive blasts.

During the meeting, **Pendley** described his participation in the events of January 6, 2021, at the United States Capitol Building. While **Pendley** said he did not go inside the Capitol Building, he stated that he brought an AR rifle with him on the trip which he had modified with a hack saw so it would fit inside a backpack. However, **Pendley** said he decided to leave his firearm in his car.

The UCE agreed to meet with **Pendley** the following week to provide **Pendley** with sufficient explosive devices for **Pendley** to breach multiple doors into the Amazon facility. **Pendley** confirmed his intention to meet with the UCE the following week, and the meeting ended.

On or about April 5, 2021, **Pendley** sent CHS1 what appear to be hand-drawn maps of the facility he planned to attack. On April 6, 2021, **Pendley** sent CHS1 a photograph of a small model of the boxes he intended to construct for directing the explosive blasts.

On April 8, 2021, **Pendley** again met with the UCE in Fort Worth, Texas. During the meeting, the UCE provided **Pendley** with devices the UCE explained were made of C-4 plastic explosives and detonation cord. The UCE showed **Pendley** how to arm and detonate the devices. **Pendley** took possession of the devices, and placed them in his car. At that time, **Pendley** was arrested by FBI investigators. In subsequent *Mirandized* statements, **Pendley** admitted to having orchestrated the plan to attack the AWS data centers.

Investigators also executed a search warrant at **Pendley's** residence in Wichita Falls. During the search, investigators found hand-drawn maps, notes and flashcards relating to the planned attack; an AR receiver with a sawed-off barrel, along with the removed barrel piece; wigs and masks; a pistol which had been painted to look like a toy gun; and paint cans.

SIGNED this 1 day of June, 2021.



SETH AARON PENDLEY
Defendant



GEORGE LANCASTER
Counsel for Defendant